**REMARKS** 

Reconsideration of the Application respectfully is requested. For the reasons

indicated hereafter, the Application is urged to be in condition for allowance.

As requested by the Examiner in the Official Action, additional botanical

information concerning the 'Bailming' cultivar has been diligently sought and is

provided in the Substitute Specification to the extent available. In view of the season

of the year it is impossible for Applicant to obtain further descriptive information.

However, it respectfully is submitted that those skilled in plant science will have no

difficulty in identifying plants of the 'Bailming' cultivar in view of Applicant's detailed

Specification and photographs. The withdrawal of the rejection under 35 U.S.C.

§112 is urged to be in order and is respectfully requested.

If there is any remaining point that requires clarification prior to allowance, the

Examiner is urged to telephone the undersigned attorney so that the matter can be

discussed and resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 31, 2005

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